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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,946	08/17/2001	Yoichiro Sako	63313	5986

530 7590 12/06/2006

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3694

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,946

Applicant(s)

SAKO ET AL.

Examiner

Mary Cheung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to restriction election filed on September 11, 2006. Claims 43-61 are currently pending and elected for examination. Claims 1-42 are canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 43-46, 48-52 and 54-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al., U. S. Patent 5,638,443.

As to claim 43, Stefik teaches a reproduction method of content data, comprising the steps of (column 19 lines 5-16):

- a) Checking a security for an electronic use right when compressed and/or encrypted contents data is reproduced (column 8 lines 41-56 and column 20 line 63 – column 21 line 10);
- b) Stopping reproduction of said content data when said electronic use right is invalid as a result of said step of checking a security (column 21 lines 6-9);
- c) Performing a reproducing process of said contents data and consuming said electronic use right when said electronic use right is valid as a result of said step of checking a security (column 20 line 63 – column 21 line 10).

As to claim 44, Stefik teaches when said electronic use right is valid as a result of said step of checking a security, whether said electronic use right of an amount necessary for the reproducing process of said contents data remains is discriminated, and when said electronic use right of the amount necessary for the reproducing process of said contents data does not remain, the reproducing process of said contents data is not executed (column 20 line 63 – column 21 line 10).

As to claim 45, Stefik teaches when it is determined that said electronic use right of the amount necessary for the reproducing process of said contents data remains, the reproducing process of said contents data is executed and said electronic use right is consumed (column 20 line 63 – column 21 line 10).

As to claim 46, Stefik teaches the consumption of said electronic use right is performed based on a charge condition in subordinate data associated with said contents data (column 19 lines 5-16 and column 23 lines 32 – column 24 line 61).

As to claim 48, Stefik teaches when it is determined that said electronic use right is invalid as a result of said step of checking a security, a management organization for managing said electronic use right is notified of such a fact (column 19 lines 5-16 and column 21 lines 1-10).

As to claim 56, Stefik teaches the electronic use right is restored, data regarding a reproduction history of the contents data reproduced when said electronic use right is restored is transmitted to a management organization for managing said electronic use right (column 19 line 59 – column 20 line 19).

As to claim 57, Stefik teaches a reproduction control method comprising the steps of (column 19 lines 5-16):

- a) storing an electronic use right purchased from a management organization into a memory in a player (column 18 lines 1-8 and column 19 lines 21-40);
- b) checking a security for said electronic use right that is said used in a charging process which is executed when compressed and/or encrypted contents data is reproduced by the player (column 8 lines 41-56 and column 20 line 63 – column 21 line 10);
- c) stopping reproduction of said contents data when said electronic use right is invalid as a result of said step of checking a security (column 21 lines 6-9);
- d) performing a reproducing process of said contents data and executing the charging process based on said electronic use right when said electronic use right is valid as a result of said step of checking a security (column 20 line 63 – column 21 line 10).

Claims 49-52, 54-55, 58-61 are parallel with claims 43-46, 48 and 56; thus they are rejected on the same basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al., U. S. Patent 5,638,443 in view of Braitberg et al., U. S. Patent 6,631,359.

As to claims 47 and 53, Stefik teaches the electronic use right includes data regarding header and at least valid start year/month/day, and data regarding the electronic use right (column 18 lines 50-54 and column 21 line 31 – column 22 line 18). Stefik does not specifically teach the electronic use right includes data indicative of a kind of encryption and an error correction code. However, Braitberg teaches this matter (column 6 line 60 – column 7 line 10 and column 9 lines 11-56 and column 13 line 60 – column 14 line 29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the use right in Stefik's teaching to include data indicative of a kind of encryption and an error correction code as taught by Braitberg for better protecting the usage right of the content.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

- (571) 273-8300 (Official Communications; including After Final Communications labeled "BOX AF")
- (571) 273-6705 (Draft Communications)

Mary Cheung
November 20, 2006



MARY D. CHEUNG
PRIMARY EXAMINER